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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Alex O. Agerholm

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08/03/2004

FISH & RICHARDSON, PC
12390 EL CAMINO REAL
SAN DIEGO, CA 92130-2081

EXAMINER

JEAN, FRANTZ B

ART UNIT

PAPER NUMBER

2151

DATE MAILED: 08/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/734,330

Applicant(s)

AGERHOLM ET AL.

Examiner

Lesa Kennedy

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Remarks

1. This action is responsive to the amendments filed on June 1, 2004. Claims 1-24 are pending examination. Claims 1-24 are directed towards a system and method for communicating SNMP information using an HTTP protocol.

Response to Arguments

2. Applicant's arguments filed on June 1, 2004 with respect to claims 1-24 have been fully considered and are persuasive. The 35 USC 103 rejections under Schlener in view of Kanaan of claims 1-24 have been withdrawn.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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4. Claims 1 and 3 are rejected under 35 U.S.C. 102(e) as being anticipated by Slavin et al. (U.S. Patent No. 6,675,193).

As to claim 1, Slavin teaches a method comprising:

obtaining, at a first node, information indicative of a network condition [col. 4, line 66 –col. 5, line 4; col. 5, lines 12-20; Slavin discloses a client/server framework in which an I/O server (first node) maintains local runtime (network condition) data];

encapsulating said information into an HTTP protocol [col. 5, lines 12-20; Slavin discloses that access to the local runtime (network condition) data is provided via HTTP tunneling (encapsulation)]; and

sending said HTTP protocol to a network managing node [col. 3, lines 11-19; Slavin discloses that a Runtime Data Client (network managing node) accesses the local runtime (network condition) data through HTTP tunneling].

As to claim 3, Slavin teaches the method of claim 1, wherein said HTTP protocol is an HTTPs protocol [col. 8, lines 16-22].

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. Claims 2 and 4-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Slavin et al. in view of O'Guin et al. ("Application of Virtual Private Networking Technology to Standards-Based Management Protocols Across Heterogeneous Firewall-Protected Networks", Military Communications Conf. Proc., IEEE, Oct. 31-Nov. 3, 1999, pp. 1251-1255).

As to claim 2, Slavin teaches the invention substantially as claimed (see rejection of claim 1 above).

Slavin does not expressly teach the limitation wherein the information is SNMP information.

However, O'Guin teaches a method in which standards-based protocols are used to send management data from a transmitting computer to a receiving computer (see abstract, par. 1; Fig. 1). O'Guin teaches the limitation of the information being SNMP information [pg. 1251, col. 2, par. 1]

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Slavin in view of O'Guin so as to use SNMP to implement the management functionality of the system. One would be motivated to do so to economize on development costs [O'Guin; abstract, par. 1].

As to claim 4, the combination of Slavin in view of O'Guin teaches the method of claim 1, wherein said encapsulating comprises forming an HTTP message including said information [pg. 1251, col. 2, par. 2; O'Guin discloses that the original data packets (said information) are placed into the data portion of the new packets (HTTP message)].

As to claim 5, the combination of Slavin in view of O'Guin teaches the method of claim 1, wherein said information is textual information [pg. 1251, col. 2, par.1; O'Guin

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discloses sending SNMP data (textual information)], and wherein said encapsulating comprises forming an HTTP message including said textual information therein [pg. 1251, col. 2, par. 2; O'Guin discloses that the original data packets (textual information) are placed into the data portion of the new packets (HTTP message)].

As to claim 6, the combination of Slavin in view of O'Guin teaches the method of claim 5, wherein said HTTP message includes tags indicating SNMP information [pg. 1252, col. 1, par.3; O'Guin discloses that multiple application protocols can be encapsulated in a single tunnel; pg. 1252, col. 1, par. 1; O'Guin discloses decoding encapsulated data packets (i.e. reading the HTTP message tags) to determine if they contain SNMP data].

As to claim 7, the combination of Slavin in view of O'Guin teaches a system, comprising:

a first, monitoring computer, running a first program that monitors a network connection [col. 5, lines 12-20; Slavin discloses that a Runtime Data Client (first, monitoring computer/first program) collects runtime data from an I/O server];

a second, monitored computer, running a second program which allows said first program to monitor some aspect of the network connection [col. 5, lines 12-20; Slavin discloses that an I/O server (second, monitored computer/second program) maintains local runtime data for the Runtime Data Client (first, monitoring computer/first program)];

a connection between said first and second computers [col. 5, lines 12-20; Slavin discloses communications between the Runtime Data Client (first computer) and I/O server (second computer)], said connection including a firewall which blocks at least

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some kinds of communications but does not block HTTP communications [pg. 1254, col. 2, par. 2; O'Guin discloses using firewalls to block system management protocols that are not encapsulated (i.e. not HTTP communications)]; and

at least one of said first and second computers running a third program that encapsulates information into HTTP protocol [col. 5, lines 12-20; Slavin discloses that the Runtime Data Client (first computer) accesses the local runtime data using HTTP tunneling/encapsulation (third program)].

As to claim 8, the combination of Slavin in view of O'Guin teaches the system of claim 7 wherein said third program is part of one of said first and second programs [col. 5, lines 12-20; Slavin discloses that the Runtime Data Client (first program) accesses the local runtime data using HTTP tunneling/encapsulation (third program)].

Claims 9-11 represent system claims that correspond to method claims 2, 3 and 6, respectively. They do not teach or define any new limitations above claims 2, 3 and 6, and therefore are rejected for similar reasons.

As to claim 12, the combination of Slavin in view of O'Guin teaches a method comprising:

forming an SNMP request for information from a remote computer, in a management station computer [pg. 1252, col. 2, par. 2; pg. 1253, col. 1, par. 1; O'Guin discloses sending SNMP management data (requests) between a Control Center (management station computer) and a local site (remote computer)];

changing a request to a form which will be passed by a firewall as a changed request [pg. 1254, col. 2, par. 2; O'Guin discloses encapsulating (changing) the data within a VPN tunnel to allow it to pass through a firewall]; and

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sending said changed request to said remote computer through said firewall [pg. 1254, col. 2, par. 2; O'Guin discloses sending encapsulated data (changed request) through the firewall to a local site (remote computer)].

As to claim 13, the combination of Slavin in view of O'Guin teaches the method of claim 12, wherein said changed SNMP request is an SNMP request which is encapsulated into HTTP protocol [col. 5, lines 12-20; Slavin discloses using HTTP tunneling (encapsulation) to support requests for local runtime data].

Claims 14 and 15 represent method claims that correspond to claims 3 and 6, respectively. They do not teach or define any new limitations above claims 3 and 6, and therefore are rejected for similar reasons.

As to claim 16, the combination of Slavin in view of O'Guin teaches the method of claim 12 further comprising:

receiving said changed SNMP request in said remote computer [pg. 1254, col. 2, par. 2; O'Guin discloses receiving the encapsulated data (changed SNMP request) at the local site (remote computer)]; and

changing said changed SNMP request into a standard SNMP request [pg. 1254, col. 2, par. 2; O'Guin discloses decoding (changing) the encapsulated data (changed SNMP request)].

As to claim 17, the combination of Slavin in view of O'Guin teaches the method of claim 16 further comprising:

in said remote computer, preparing an SNMP response [pg. 1252, col. 2, par. 2; pg. 1253, col. 1, par. 1; O'Guin discloses sending SNMP management data (responses)

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between a local site (remote computer) and a Control Center (management station computer)];

encapsulating a response as a changed response [Fig. 8; O'Guin discloses applying VPN tunneling (encapsulation) to responses from a managed local server (remote computer) to a management workstation (management station computer)]; and

sending said changed SNMP response through said firewall to said management station computer [Fig. 8; O'Guin discloses sending encapsulated data (changed SNMP response) through the firewall].

As to claim 18, the combination of Slavin in view of O'Guin teaches the method of claim 17 further comprising changing a changed response to a standard response [Fig. 8; O'Guin discloses decoding (changing) the encapsulated data (changed response)].

Claim 19 represents a program claim that corresponds to claim 12 or 17. It does not teach or define any new limitations above claims 12 or 17, and therefore is rejected for similar reasons.

Claims 20-24 represent program claims that correspond to claims 12, 17, 3, 4 and 6, respectively. They do not teach or define any new limitations above claims 12, 17, 3, 4 and 6, and therefore are rejected for similar reasons.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lesa Kennedy whose telephone number is (703) 305-8865. The examiner can normally be reached on Monday - Friday, 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (703) 308-6687. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



FRANTZ B. JEAN
PRIMARY EXAMINER

Lesa Kennedy
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